

1 Marc V. Kalagian
2 Attorney at Law: 4460
3 Law Offices of Lawrence D. Rohlwing, Inc., CPC
4 12631 East Imperial Highway Suite C-115
5 Santa Fe Springs, CA 90670
6 Tel.: (562) 868-5886
7 Fax: (562) 868-8868
8 E-mail: rohlwing.office@rohlwinglaw.com
9
10 Attorneys for Plaintiff
11 Edna B. Callaway

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

10 EDNA B. CALLAWAY,) Case No.: 2:21-cv-01237-EJY
11 Plaintiff,)
12 vs.) STIPULATION FOR THE AWARD
13 KILOLO KIJAKAZI,) AND PAYMENT OF ATTORNEY
14 Acting Commissioner of Social) FEES AND EXPENSES PURSUANT
Security,) TO THE EQUAL ACCESS TO
15 Defendant.) JUSTICE ACT, 28 U.S.C. § 2412(d)
16

17 TO THE HONORABLE ELAYNA J. YOUCAH, MAGISTRATE JUDGE
18 OF THE DISTRICT COURT:

19 IT IS HEREBY STIPULATED by and between the parties through their
20 undersigned counsel, subject to the approval of the Court, that Edna B. Callaway
21 be awarded attorney fees and expenses in the amount of TWO THOUSAND
22 EIGHT HUNDRED dollars (\$2,800.00) under the Equal Access to Justice Act
23 (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount
24 represents compensation for all legal services rendered on behalf of Plaintiff by
25 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
26 2412(d).

1 After the Court issues an order for EAJA fees to Edna B. Callaway, the
2 government will consider the matter of Edna B. Callaway's assignment of EAJA
3 fees to Marc V. Kalagian. The retainer agreement containing the assignment is
4 attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010),
5 the ability to honor the assignment will depend on whether the fees are subject to
6 any offset allowed under the United States Department of the Treasury's Offset
7 Program. After the order for EAJA fees is entered, the government will determine
8 whether they are subject to any offset.

9 Fees shall be made payable to Edna B. Callaway, but if the Department of
10 the Treasury determines that Edna B. Callaway does not owe a federal debt, then
11 the government shall cause the payment of fees and expenses to be made directly
12 to Law Offices of Lawrence D. Rohlfing, Inc., CPC, pursuant to the assignment
13 executed by Edna B. Callaway.¹ Any payments made shall be delivered to Marc
14 V. Kalagian.

15 This stipulation constitutes a compromise settlement of Edna B. Callaway's
16 request for EAJA attorney fees, and does not constitute an admission of liability on
17 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
18 shall constitute a complete release from, and bar to, any and all claims that Edna B.
19 Callaway and/or Marc V. Kalagian including Law Offices of Lawrence D.
20 Rohlfing, Inc., CPC may have relating to EAJA attorney fees in connection with
21 this action.

22 This award is without prejudice to the rights of Marc V. Kalagian and/or the
23 Law Offices of Lawrence D. Rohlfing, Inc., CPC to seek Social Security Act

24
25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of
2 the EAJA.

3 DATE: March 28, 2022 Respectfully submitted,
4
5 */s/ Marc V. Kalagian*
6 BY: _____
7 Marc V. Kalagian
Attorney for plaintiff Edna B. Callaway

8
9 DATED: March 28, 2022 CHRISTOPHER CHIOU
10 Acting United States Attorney

11 */s/ Allison J. Cheung*

12 _____
13 ALLISON J. CHEUNG
14 Special Assistant United States Attorney
15 Attorneys for Defendant KILOLO KIJAKAZI,
16 Acting Commissioner of Social Security
(Per e-mail authorization)

17
18
19
20
21
22
23
24
25
26
ORDER

Approved and so ordered.

DATE: March 29, 2022

Elayna J. Youchah
THE HONORABLE ELAYNA J.
YOUCHAH UNITED STATES
MAGISTRATE JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 12631 East Imperial Highway, Suite C-115, Santa Fe Springs, California 90670.

6 On this day of March 29, 2022, I served the foregoing document described
7 as STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES
8 AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT,
9 28 U.S.C. § 2412(d) AND COSTS PURSUANT TO 28 U.S.C. § 1920 on the
10 interested parties in this action by placing a true copy thereof enclosed in a sealed
11 envelope addressed as follows:

12 Ms. Edna B. Callaway
8349 Granite Peak Ct.
13 Las Vegas, NV 89145

I caused such envelope with postage thereon fully prepaid to be placed in the
United States mail at Santa Fe Springs, California.

16 I declare under penalty of perjury under the laws of the State of California
17 that the above is true and correct.

18 I declare that I am employed in the office of a member of this court at whose
19 direction the service was made.

Marc V. Kalagian _____ */s/ Marc V. Kalagian* _____
TYPE OR PRINT NAME SIGNATURE

**CERTIFICATE OF SERVICE
FOR CASE NUMBER 2:21-CV-01237-EJY**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on March 29, 2022.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

/s/ Marc V. Kalagian

Marc V. Kalagian
Attorneys for Plaintiff